

CITY OF WATERVILLE

REGULAR MEETING COUNCIL MINUTES JULY 21, 2020
MID-DAY CAFÉ, MID MAINE TECHNICAL CENTER
(WATERVILLE SENIOR HIGH SCHOOL, REAR ENTRANCE)

THE PUBLIC WILL BE ALLOWED TO ATTEND IN-PERSON
ATTENDEES ARE ASKED TO ADHERE TO HEALTH & SAFETY GUIDELINES REQUIRING
SOCIAL DISTANCING, FACE COVERINGS & A 50 PERSON GATHERING LIMIT

LIVE STREAMING IS AVAILABLE VIA A LINK BEING PROVIDED ON THE CITY'S
WEBSITE ON THE MAIN PAGE AT WWW.WATERVILLE-ME.GOV.

PUBLIC COMMENTS AND QUESTIONS SHOULD BE EMAILED TO
PUBCOMMENT@WATERVILLE-ME.GOV

Note: If there is a failure during a livestream, a new link will be created
and posted. If you're having difficulty viewing the livestream,
click on the link again, since it may have been updated.

REGULAR MEETING

7:00 P.M.

PRESENT: NICHOLAS ISGRO, MAYOR
 MIKE ROY, CITY MANAGER

COUNCILORS: MICHAEL MORRIS, FLAVIA OLIVEIRA, MARGARET SMITH,
 SYDNEY MAYHEW, RICHARD FOSS, CLAUDE FRANCKE, ERIK
 THOMAS

DISCLOSURE OF CONFLICT OF INTEREST

APPROVAL OF CONSENT AGENDA

MINUTES OF CITY COUNCIL MEETINGS OF JULY 7, 2020

NO CONFLICTS WERE DISCLOSED

RESOLUTION 158-2020 RATIFYING THE ROLL OF ACCOUNTS NO. 14

Motion Made and Seconded for Approval of Consent
Agenda

Vote: All in Favor (7-0)

Motion Made and Seconded to Read all items by Title
Only

Vote: All in Favor (7-0)

UNFINISHED BUSINESS

ORDINANCE 143-2020 AMENDMENT TO THE ZONING ORDINANCE

Motion Made and Seconded to Adopt
Councilors Voting Yes: Morris, Oliveira, Smith,
Mayhew, Francke, Thomas
Councilors Voting No: Foss
Vote: 6-1

ORDINANCE 144-2020 AMENDMENT TO ZONING (WEBB ROAD)

Motion Made and Seconded to Adopt
Mr. Gil Paquet, representative of Next Grid, explained
that this project will not be visible from the
landfill
City Manager Roy asked if this would be a taxable
project, to which Mr. Paquet replied that the state
program was being worked on and that his understanding
was that it would be either taxable or reimbursed by
the state
Mike Roy asked the size of the project and whether
they could connect to a substation. Mr. Paquet
answered that the project would be under 5 Megawatts
and that they could connect to a substation.
Councilors Voting Yes: Morris, Oliveira, Smith,
Francke, Thomas
Councilors Voting No: Mayhew, Foss
Vote: 5-2

ORDINANCE 145-2020 AMENDMENT TO ZONING (COUNTY ROAD)

Motion Made and Seconded to Adopt
Kevin Violette of Holmes Farm Associates and LN
Violette Co. explained that they had partnered with
the landowners of Holmes Farm to keep them out of
foreclosure and had hoped to tastefully develop this
property
Nick Mizuroski of Dirigo Solar, explained that their
company sells power at reduced rates and that these
solar farms are low to the ground, create no noise and
no emissions and are passive systems. He explained
that the parcel is 43 acres of which 18 will be used
for the system. After a meeting with Mr. Swett, the
system was redesigned by increasing buffers and
setbacks adding that there would be no visual impact
with the buffers.
Councilor Foss asked whether the access road depicted
in the diagram was on a knoll or in a dip. Mr.
Mizuroski answered that it was on a knoll.
Councilor Thomas questioned what would be taxable in
this project.
Nick Mizuroski explained that the state had exempted
small, private solar projects, but that the assessor

can estimate the assessed value using any valuation method and that the city gets 50% of the tax amount reimbursed to the city from the state of approximately \$31,000 to \$63,000 annually.

Mr. Mizuroski pointed out that this project uses no municipal services or utilities.

Councilor Francke confirmed that the property taxes on this property would go from a low amount to a higher amount and that electricity rate payers would get cheaper electricity.

Councilor Foss stated that people in the RR zone did not want to look at a solar farm and urged councilors to reject this.

Councilor Smith said that she was under the impression that Mr. Swett was onboard now because he did not want a trailer park developed on this lot.

Mr. Violette further explained that this land is in a trust program and that \$5M would be paid to the city over the 60-year term, with no detrimental impact to the land.

Nate Holmes said that he too is a Waterville taxpayer and stated that he wants to protect the land and is trying to build something to give revenue to the city and maintain the beauty of the area.

Jordon Holmes said that people's rights are important, and that the ordinance protects the people around them and added that they have tried to make Mr. Swett comfortable but the city should take opportunities when they get them. He urged support of the project.

Mark Champagne, 5 Yawkey Lane, expressed his support of a solar farm and pointed out that spruces will grow enough to properly buffer the abutters. Mr. Champagne spoke on behalf of his neighbor Shawn Johnson who also supports this project.

Cathy Weeks, Ward 1 resident and member of the Planning Board, stated that Waterville has very little land left and that a solar farm doesn't belong in the RR zone. Ms. Weeks accused Mr. Violette of bullying the Swetts into supporting the project. Weeks added that the Swetts have lived there for 30+ years and that they will still see the solar panels with the proposed buffers and strongly urged the councilors to not support this.

Nick Mazuroski of Dirigo Solar clarified that this is not a formal design, since they would go back to the Planning Board with final plans that will work for abutters.

Councilor Morris expressed concern about the tree buffer and questioned if we could request trees that are higher than 8 feet, to which Mr. Mazuroski and Mr. Violette both replied yes.

Evan Fernandez of 6 Yawkey Lane urged support because he would prefer to see trees rather than houses on this property.

Councilor Thomas pointed out other allowed uses in this zone such as mobile home parks, houses, nursing homes, kennels, hospitals, out recreation area, agricultural processing, chicken farms are all allowed in this zone. Mr. Thomas stated that it is not bullying to point out what is allowed in the zone. Mr. Violette said that the accusation of threatening or bullying is a gross misunderstanding, adding that mobile homes are allowed here and urged the councilors to do the right thing and vote in favor of this rezoning since he has rights too.

Mr. Swett said that he has had a lot of sleepless nights being told that trailer parks or a motor cross track can go on this land and that he doesn't want to be bullied around. He said this would change their lives and that he doesn't approve of it but that he will support it.

Mayor Isgro said that we are going to have the Planning Board look at the ordinance to create zones that specifically allow mobile home parks.

Councilors Voting Yes: Oliveira, Smith, Francke, Thomas

Councilors Voting No: Morris, Mayhew, Foss

Vote: 4-3 (motion fails due to lack of 2/3 approval)

ORDINANCE 146-2020 AMENDMENT TO THE TRAFFIC ORDINANCE

Motion Made and Seconded to Adopt

Councilors Voting Yes: Morris, Oliveira, Smith, Mayhew, Thomas

Councilors Voting No: Foss, Francke

Vote: 5-2

ORDER 154-2020 ACCEPTANCE OF A KEEP MAINE HEALTHY 2020
MUNICIPAL COVID-19 AWARENESS CAMPAIGN AWARD

Motion Made and Seconded to Adopt

Councilors Voting Yes: Morris, Oliveira, Smith, Mayhew, Foss, Francke, Thomas

Councilors Voting No: None

Vote: All in Favor (7-0)

ORDER 155-2020 APPROPRIATION OF MUNICIPAL AND SCHOOL
OPERATING BUDGETS FOR THE PERIOD OF JULY 1,
2020 THROUGH JUNE 30, 2021

Motion Made and Seconded to Adopt

Motion Made and Seconded to Amend to adopt the Finance Committee Recommendations to, keep the tax rate at 25.76, add a police officer for a half year position, keep the full time dispatcher and reduce the PW/P&R position to half time, and to split the \$100 shortfall equally with the school department.

Councilor Foss questioned what we would do if revenue

sharing comes in lower than expected.
City Manager Roy said that we can make changes mid-year and could delay the start of new positions.
Councilor Thomas noted that we rarely use all the surplus that is budgeted and homeowners will get a tax cut due to the increase in the Homestead Exemption.
Councilor Mayhew noted that the new positions are well needed, that we can look at this again mid-year and urged support.
Councilor Francke said that having no tax increase is most important, adding that the numbers will be shifting until we figure out state and federal funding.
School Board Member Pam Trinward expressed her frustration that the Finance Committee had met without representative from the School Board and stated that asking the school to cut \$50K now was inappropriate, to which School Board Member Maryanne Bernier concurred, adding that air quality concerns are dependent on federal dollars.
Councilor Foss said that the school department has surplus funds that can be used to cover the \$50K.
Councilors Voting Yes: Morris, Mayhew, Foss, Francke, Thomas
Councilors Voting No: Oliveira, Smith
Vote: 5-2
Motion Made and Seconded to Adopt As Amended
Councilors Voting Yes: Morris, Oliveira, Smith, Mayhew, Foss, Francke, Thomas
Councilors Voting No: None
Vote: All in Favor (7-0)

NEW BUSINESS

RESOLUTION 159-2020 AUTHORIZING ISSUANCE OF A MARIJUANA RETAIL
LICENSE TO NORTHWOODS FARMACY

Motion Made and Seconded to Adopt
Councilors Voting Yes: Morris, Oliveira, Smith, Mayhew, Foss, Francke, Thomas
Councilors Voting No: None
Vote: All in Favor (7-0)

RESOLUTION 160- 2020 AUTHORIZING ISSUANCE OF A MARIJUANA RETAIL
LICENSE TO SWEET DIRT

Motion Made and Seconded to Adopt
Councilors Voting Yes: Morris, Oliveira, Smith, Mayhew, Foss, Francke, Thomas
Councilors Voting No: None
Vote: All in Favor (7-0)

RESOLUTION 161-2020 AUTHORIZING ISSUANCE OF A VICTUALER'S LICENSE TO
KENTUCKY FRIED CHICKEN

Motion Made and Seconded to Adopt
Councilors Voting Yes: Morris, Oliveira, Smith,
Mayhew, Foss, Francke, Thomas
Councilors Voting No: None
Vote: All in Favor (7-0)

RESOLUTION 162-2020 AUTHORIZING ISSUANCE OF A VICTUALER'S LICENSE TO
RUSTY LANTERN MARKET

Motion Made and Seconded to Adopt
Councilors Voting Yes: Morris, Oliveira, Smith,
Mayhew, Foss, Francke, Thomas
Councilors Voting No: None
Vote: All in Favor (7-0)

RESOLUTION 163-2020 RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT
- WATERVILLE PROFESSIONAL FIREFIGHTERS

Motion Made and Seconded to Adopt
Councilors Voting Yes: Morris, Oliveira, Smith,
Mayhew, Foss, Francke, Thomas
Councilors Voting No: None
Vote: All in Favor (7-0)

ORDINANCE 164-2020 AMENDMENT TO PUBLIC SAFETY ORDINANCE

Motion Made and Seconded to Adopt
Councilors Morris and Mayhew commended Chief Esler for
finding alternate revenue sources.
Councilors Voting Yes: Morris, Oliveira, Smith,
Mayhew, Foss, Francke, Thomas
Councilors Voting No: None
Vote: All in Favor (7-0)

RESOLUTION 165-2020 REPAIR OF THE TWO-CENT PLAZA

Motion Made and Seconded to Adopt
Councilor Foss expressed concern about cost estimates.
City Manager Roy said that we would bid it out, adding
that we have funds available from the 2005 bond to pay
for this with remaining costs to come from the Capital
Reserve fund.
Councilor Francke questioned why we would be cutting
the school budget and then authorizing spending on
paving stones and said that he would vote against
this.
City Manager Roy said that the condition of the pavers
pose trip hazards and are a safety issue. Roy noted
that the remaining bond funds must be spent at Head of
Falls.
Councilor Mayhew questioned if we should consider

repair or replacement, stating that this design poses issues and problems.
City Manager Roy said that we plan to go with a more durable paver and will stop using the sidewalk plow on this surface.

After a motion to table, Mr. Roy said that we need to go out to bid to see what other options might be available and that the Council would have to approve the bid at a later meeting. The motion to take was rescinded.

Councilor Francke noted that walkers on his street walk in the roadway because the sidewalks are unusable. The City Manager acknowledged that sidewalks are always a second thought when paving money is leftover and suggested a dedicated sidewalk account be established.

Councilors Voting Yes: Morris, Oliveira, Smith, Mayhew, Foss, Thomas

Councilors Voting No: Francke

Vote: 6-1

RESOLUTION 166-2020 VACATIONLAND SKYDIVING LEASE AMENDMENT

Motion Made and Seconded to Adopt

The City Manager clarified that the rent payments will start up next year.

Councilors Voting Yes: Morris, Oliveira, Smith, Mayhew, Foss, Francke, Thomas

Councilors Voting No: None

Vote: All in Favor (7-0)

RESOLUTION 167-2020 APPROVAL OF LEASE AMENDMENT (LAND) AT LaFLEUR AIRPORT

Motion Made and Seconded to Adopt

Councilors Voting Yes: Morris, Oliveira, Smith, Mayhew, Foss, Francke, Thomas

Councilors Voting No: None

Vote: All in Favor (7-0)

RESOLUTION 168-2020 REFERRAL TO PLANNING BOARD

Motion Made and Seconded to Adopt

Councilors Voting Yes: Morris, Oliveira, Smith, Mayhew, Foss, Francke, Thomas

Councilors Voting No: None

Vote: All in Favor (7-0)

RESOLUTION 169-2020 URGING BUSINESSES TO ENCOURAGE THE USE OF FACE COVERINGS

Motion Made and Seconded to Adopt

Councilor Foss said that people can make their own decisions on wearing masks and that he would not support this.

Councilor Francke said that it is important for adults to put masks on and urged support.

Mayor Isgro said that he found lots of conflicting information in his research and said that we should let business owners do what they want.

Councilor Mayhew said that his business follows the guidelines to protect the staff, but that it is each businessperson's decision.

Mayor Isgro noted that the City Council had failed to pass a resolution to support small businesses.

Councilor Francke pointed out that that resolution said we were "masking up", when we're not, and said that we need to let our children know that its important and that we need to take the pandemic seriously.

Councilor Foss said that surgeons recommend that the public not wear masks because they are often not worn properly and can give a false sense of security. Foss added that the general public can take care of their own health.

Councilor Morris said that he respects businesses who require masks and that he only wears one when he has to wear one.

Councilor Thomas noted that wearing a mask is not done to protect yourself as much as it is to protect the workers and said that this is the least that we can do.

Councilors Voting Yes: Oliveira, Smith, Francke, Thomas

Councilors Voting No: Morris, Mayhew, Foss

Vote: 4-3

RESOLUTION 170-2020 APPOINTMENTS TO THE KENNEBEC REGIONAL DIVERSITY INITIATIVE

Motion Made and Seconded to Adopt

Councilor Olivera has agreed to serve on this committee and announced that the first meeting was scheduled for August 6th.

Councilors Voting Yes: Morris, Oliveira, Smith, Mayhew, Foss, Francke, Thomas

Councilors Voting No: None

Vote: All in Favor (7-0)

COUNCILOR UPDATES

Mayor Isgro pointed out that there was a 23' sidewalk on the side of Main Street near the Colby dorm, but that there was only a 14' sidewalk on the other side of the street in front of OPA, Amici's and Portland Pie. Isgro suggested that we equal out the two sidewalks as part of the work being done with the BUILD Grant to make it more equal for businesses to allow for outside dining.

MANAGER' S REPORT

Mr. Roy shared that the applications for the City Manager's position were due on August 7th and that Mayor Isgro, Councilor Morris and Councilor Francke were on the committee to do the first screening of the applications. After the initial screening, Roy proposed a larger group do a subsequent review to weed down the number.

Motion Made and Seconded to Adjourn
Adjourned at 9:38 p.m.

_____City Clerk